## Case 3:05-cv-02273-CRB Document 119 Filed 01/18/07 Page 1 of 5

1 MCGUIREWOODS LLP LESLIE M. WERLIN #67994 LYNN A. WHITCHER #196910 TERESA A. ASCENCIO #217053 1800 Century Park East, 8th Floor Los Angeles, California 90067 Telephone: (310) 315-8200 Facsimile: (310) 315-8210 5 Attorneys for Defendants Transglobal, Prescott, Raschke, Dyakon and Becker 6 7 UNITED STATES DISTRICT COURT 8 NORTHERN DISTRICT OF CALIFORNIA 9 10 BETTA PRODUCTS, INC., CASE NO. CV05-2273-CRB 11 Plaintiff, STIPULATION TO CONTINUE LAST 12 DAY TO HEAR MOTION FOR VS. SUMMARY JUDGMENT ON ISSUE OF 13 WHETHER PLAINTIFF HAD TRADE TRANSGLOBAL COMMUNICATIONS, et SECRETS TO MARCH 30, 2007; 14 [PROPOSED ORDER] 15 Defendants. 16 17 WHEREAS, this action was filed by Betta Products, Inc. ("Plaintiff") against Transglobal 18 19 Communications, Steve Prescott, Andrew Dyakon, Robert Raschke, Ralph Becker, and Timothy 20 Quinn (collectively "Defendants"). 2.1 WHEREAS, Plaintiff's third amended complaint asserts the following claims against 22 Defendants: misappropriation of trade secrets under the California Uniform Trade Secrets Act 23 (first claim), breach of fiduciary duty (second claim), unfair competition under California Business 24 & Professions Code §17200 (third claim), slander (fourth claim), interference with prospective 25 economic advantage (fifth claim), fraudulent conveyance under 11 U.S.C. §548 (sixth claim), a 26 post petition fraudulent conveyance under 11 U.S.C. §549 (seventh claim), avoidance of 27 fraudulent transfers under 11 U.S.C. §544 and California Civil Code §3439.04 (eighth claim) and 28 111 4335800.1 Case No. CV-05-2273-CRB

Stipulation To Continue Last Day for MSJ; Order

# Case 3:05-cv-02273-CRB Document 119 Filed 01/18/07 Page 2 of 5

recovery of avoidable transfer under 11 *U.S.C.* §550 and *California Civil Code* §3439.08 (ninth claim) and each of these claims presents numerous factual and legal issues.

WHEREAS, determination of whether Plaintiff has any protectible trade secrets is an element of Plaintiff's misappropriation of trade secret claim and except for Plaintiff's slander claim, all of Plaintiff's claims depend, in part, on Plaintiff's first claim for misappropriation of trade secrets.

WHEREAS, at the Continued Status Conference held on September 8, 2006, the Court ordered that February 16, 2007 is the last day to hear motions for summary judgment on the issue of whether Betta has any protectible trade secrets.

WHEREAS based upon a hearing date of February 16, 2007, the parties would have to file their motions for summary judgment on the issue of whether Betta has a protectible trade secret on or before January 12, 2007.

WHEREAS, Defendants noticed the deposition of Betta's person most knowledgeable for the week of December 12, 2006, but due to the unavailability of Betta's witness at that time and due to scheduling conflicts of Defendants' counsel, Defendants are not able to depose Betta until January 5, 2007.

WHEREAS, there is insufficient time between the deposition of Betta and the current filing date for motions for summary judgment on the issue of whether Betta has any protectible trade secrets.

### WHEREFORE, IT IS STIPULATED AND AGREED that:

- The last day to hear motions for summary judgment on the issue of whether Betta has any protectible trade secrets is continued to March 30, 2007.
- All briefing shall be pursuant to the Federal Rules of Civil Procedure based upon the continued hearing date of no later than March 30, 2007.

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Case No. CV-05-2273-CRB Stipulation To Continue Last Day for MSJ; Order

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8	8 and Dana	McCurnin, the Trustee of the
9	9	ucts Litigation Trust
10	10 DATED: January 3, 2007 MCGUIRI	EWOODS LLP
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Case 3:05-cv-02273-CRB Document 119 Filed 01/18/07 Page 4 of 5

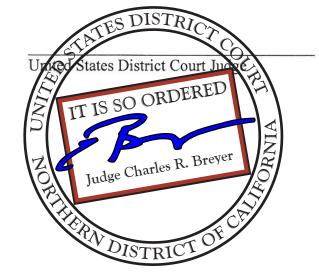
3. This stipulation may be executed in counterparts and facsimle, each of which take together constitutes the original.  BY:		HE CONTRACTOR OF THE CONTRACTO
DATED: January, 2007  BRINKMAN PORTILLO, PC  By: Laura Portillo Special Counsel to Plaintiffs, Betta Products, Inc. and Dana McCurnin, the Trustee of the Betta Products Litigation Trust  DATED: January, 2007  MCGUIREWOODS LLP  By: Leslie Werlin Counsel for Defendants, Transglobal Communications, Andrew Dyakon, Robert Raschke, Ralph Becker and Steve Prescott  DATED: January 10, 2007  JOWARD, RICK, NEMEROVSKI, CANADY, EALLY RABBEN  Tohn O'Conner Gounsel for Defendant Timothy Quinn		
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Leslie Werlin Counsel for Defendants, Transglobal Communications, Andrew Dyakon, Robert Raschke, Ralph Becker and Steve Prescott  DATED: January 10, 2007  HOWARD, RICE, NEMEROVSKI, CANADY, FALK & RABKRI John D. O'Connon  By: John O'Connon  counsel for Defendant Timothy Quinn  counsel for Defendant Timothy Quinn	12	R <sub>V</sub>
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## Case 3:05-cv-02273-CRB Document 119 Filed 01/18/07 Page 5 of 5

#### [PPOPOSED] ORDER

IT IS SO ORDERED that the terms of the Stipulation set forth above are adopted as the terms of this Order.

DATED: January 12, 2007



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Case No. CV-05-2273-CRB Stipulation To Continue Last Day for MSJ; Order